

CRZ Notification 1991-2006

Saga of betrayal- Andaman & Nicobar Islands



CRZ Notification 1991 - 2006: saga of betrayal

A CHRONOLOGY of AMENDMENTS & EVENTS RELATED TO THE CRZ NOTIFICATION IN THE CONTEXT OF ANDAMAN & NICOBAR ISLANDS

Date of amendment/order/ event & legal clauses	Details / comments / features
31 st December 1992	<ul style="list-style-type: none"> Intense pressure from hotel & tourism lobby on Govt. of India that the restrictions under CRZ severely limited their scope of work. As a consequence, the BB Vohra Committee set up by the Central Government to study the CRZ Notification and its implications and submitted its report with recommendations to Gol on December 31, 1992. S.O 690(E) Corrigendum dated 19th September 1994 rectified that the BB Vohra Committee was set up to look into 'tourism, and hotel facilities in the said zone' (i.e. CRZ)
11 th November 1993 S.O. 859 (E)	<ul style="list-style-type: none"> Based on pressure from the tourism lobby, amendments were proposed to CRZ Notification A draft notification was issued inviting objections and suggestions from the public.
18 th August 1994 later changed to 16 th August 1994 vide Corrigendum dated 19 th September 1994 S.O. 595 (E) EPA, 3(2)(v), 3(1) EP Rules 5(3)(a), 5(3)(d)	<ul style="list-style-type: none"> Amendment stated that HTL was to be demarcated by demarcating authority constituted by Gol in consultation with Surveyor General. Importantly, the resultant amendment, in clarifying the meaning of HTL: <ul style="list-style-type: none"> Significantly amended the mandatory CRZ of 100m for rivers, creeks, etc to 50m Gave expansive powers to Central Government, which could now grant permission for construction on the landward side within 200m from HTL (i.e. No Development Zone {NDZ}) according to its discretion. Did not allow for flattening of sand dunes while landscaping, but allowed live and barbed fencing and conditional construction of basements. Goal posts, net posts, lamp-posts were allowed. Basements were permitted subject to receipt of No Objection Certificate from State Ground Water Authority and provided it would not obstruct the free flow of ground water. Permitted plot falling in NDZ areas to be included for FSI calculation, although no construction would be permitted in NDZ.
18 th April 1996 The Supreme Court's judgment in the Indian Council for Enviro Legal Action case: Writ Petition (Civil) 664 of 1993 I.A 19 of 1995 by The Goa Foundation, India Heritage Society (Goa chapter), Nirmal Vishwa.	<p>The SC dealt with two main contentions of the petitioner; that of non-implementation of the notification and the validity of the 1994 amendment.</p> <ul style="list-style-type: none"> The SC quashed 3 of the proposed amendments of August 1994: <ol style="list-style-type: none"> The relaxation of CRZ limits to 50m from 100m limit for rivers, creeks, etc. Unbridled power granted to the Central Government The area of NDZ to be taken into account while calculating FSI-FAR be 100 per cent. (FSI-FAR indexes, it was decreed, could take into account only 50 per cent of NDZ in its calculations.)

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<p>31st January 1997 S.O.73(E) EPA 3(1), 3(2)(v), EP Rules 5 (3)(a), 5(4)</p> <p>9th July 1997 S. O. No. 494(E) EPA 3(1), 3(2)(v), EP Rules 5 (3)(a), 5(4)</p> <p>20th April 1998 S.O 334 (E) EPA 3(1), 3(2)(v), EP Rules 5(3)(a), 5(4)</p>	<p>Regarding the Notification implementation, the Supreme Court:</p> <ol style="list-style-type: none"> 1. Pulled up enforcement authorities for dereliction of duties, while directing authorities to implement the Notification. The court further commented that a single authority may not be able to monitor the CRZ, and suggested the constitution of State and National Coastal Zone Management Authorities, which could also draw upon the resources of NGOs to help implement laws. 2. Ruled that CRZ for rivers be reinstated as a minimum of 100m in the absence of adequate justification to reduce it to 50m, and quashed the move to grant the Central Government arbitrary “unguided and uncanalised” powers to grant permissions for relaxation of NDZ limits. In addition, the court directed that CZMPs of all coastal states and union territories must be submitted by end June 1996, and set the date of hearing compliance of submission and finalisation regarding this for September 1996. 3. Directed that in matters dealing with local geographical areas, the High Court must see that the law is enforced and hear complaints made by local inhabitants. The Supreme Court would only scrutinise matters regarding approval of CZMPs, or any suggested modifications in existing classification of areas. 4. Issued show cause notices to the chief secretaries of states of Andhra Pradesh, Karnataka, Gujarat and Kerala for not having submitted their management plans as directed in interim orders issued earlier. 5. Finally, ruled that till the CZMPs are finalised, the interim orders mentioned above would continue to operate. <ul style="list-style-type: none"> • This amendment was result of requests from A&N Islands Administration to Central Government regarding difficulties faced by local people due to restrictions on withdrawal of ground water and prohibition of sand mining in CRZ. • No objections were invited for this amendment. • Manual drawal of ground water through ordinary wells or hand pumps was permitted for drinking purposes for local inhabitants only. • Permission for the same was required from Secretary, Department of Environment • Sand mining was allowed in A&N Islands as long as a special Committee gave permission based on certain conditions. • Mining was permitted upto 31st March 1998 and not beyond. (This means a prohibition exists on the extension of the deadline) • No objections were invited for this amendment. • The Court has issued no orders to date. • The rationale was that State Governments had expressed need for several essential facilities to be constructed in the coastal zones. • Several provisions of the amendment continue to be operative. • This rationale for this amendment was stated again to be difficulties faced by local people of A&N Islands due to restrictions on sand mining. • No objections were invited for this amendment.

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<p>30th September 1998 S.O 873(E) EPA 3(1), 3(2)(v), EP Rules 5(3)(a), 5(4)</p> <p>29th December 1998 S.O 1122(E) EPA 3(1), 3(2)(v), EP Rules 5(3)(a), 5(4)</p> <p>Draft amendment dated</p> <p>5th August 1999 S.O 692(E) EPA 3(1), 3(2)(v), 6</p>	<ul style="list-style-type: none"> • The amendment extended the permission for sand mining to the 30th September 1998, ignoring prohibition of extension of this deadline as stated in 31st January 1997 amendment. • Based on the same rationale of difficulties of local people of A&N Islands another amendment was issued. • No objections were invited for this amendment. • Permission for sand mining was extended upto 30th September 1999 • The permitted quantity of sand for mining was to be based on the “requirements of 1998-99 and 1999-2000 annual plans.” • This amendment also ignores prohibition of extension of this deadline as stated in 31st January 1997 • No objections were invited for this amendment. • The Central Government is said to have deliberated upon and decided to simplify procedure for demarcation of HTL, which it laid down in this notification • The HTL is defined as the line on land up to which the highest water line reaches during spring tide • The amendment lays down that HTL shall be demarcated uniformly in all parts of the country by demarcating authority or authorities so authorised by Central Government, in accordance with general guidelines issued in this regard. • However these have not been spelt out in the Notification. • Objections were invited to this amendment • The notification states that inhabitants of the CRZ area have faced difficulties and there is a need for infrastructure facilities along the coast • It sought once again to reduce CRZ for rivers, creeks and backwaters to 50m based on certain conditions. • It also stated that for permitted facilities for storage of petroleum products in Annexure - III, both MoEF and MoST were involved depending on location of project and port limits (port limits are those that have been notified as such before the 9th July 1997 amendment) • Facilities for receipt, storage and regasification of Liquefied Natural Gas were permitted according to guidelines issued by MoPNG and MoEF • It permitted salt harvesting in CRZ-I areas between the LTL and HTL provided they were not classified as CRZ-I • It removed the authority for permitting construction along CRZ-III areas, which was introduced by the 9th July 1997 amendment. • Permission for construction required for ‘local inhabitants’ is to be granted by either the Centre or State or any designated authority (however it is not specified which of these is the final authority). The amendment lays down more conditions under which such construction maybe permitted.

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<p>29th September 1999 S.O. 998 (E) EPA 3(1), 3(2)(v) EP Rules 5(4)</p> <p>4th August 2000 S.O 730 (E) EPA 3(1), 3(2)(v), 6</p>	<ul style="list-style-type: none"> • Constructions in CRZ –III between 200-500m from HTL, were previously permitted for meeting traditional rights and customary uses. The words 'local inhabitants' have replaced the previous words 'traditional rights and customary uses'. The term local inhabitant used in this clause and elsewhere in the notification is defined as a person or his descendants who have been inhabiting in the area prior to the 19th February, 1991. • Relaxations were made for reconstruction / alteration of existing buildings allowing for horizontal landward extension of dwelling unit not exceeding a total plinth area of 100m. • It made 'exploration for extraction of oil and natural gas in CRZ a permissible activity requiring permission from the MoEF'. • No objections were invited for this amendment. • Using the rationale that local people of A&N Islands faced difficulties, another amendment was issued. • Permission for sand mining was extended upto 30th September 2000. • The amendment is the final notification for 5th August 1999 draft amendment. • The amendment states that all objections and suggestions relating to oil and natural gas exploration; procedure for according clearance to storages of specified petroleum products and receipt, storage and regasification of LNG and points raised by the petitioner in Delhi High Court in civil writ petition No. 4198/98 have been duly considered by the Central Government • This final amendment to earlier draft retained only two of proposed changes and withdrew the rest. • The changes were ones related to para 2(ii) about facilities for receipt, storage and regasification of LNG, which was permitted according to guidelines issued by the MoPNG and MoEF and 3(2)(ii) about exploration for oil and gas in the CRZ.
<p>29th September 2000 S.O 900(E) EPA 3(1), 3(2)(v) EP Rules 5(3), 5(4)</p>	<ul style="list-style-type: none"> • No objections were invited for this amendment either. • Using the rationale that the local people of the Union Territory of the Andaman and Nicobar Islands faced difficulties, another amendment was issued. • Permission for sand mining was extended upto 30th September 2001. • The dates for the annual plans were also extended by a year.
<p>12th April 2001 S.O 329(E) EPA 3(1), 3(2)(v), EP Rules 5(3)(a), 5(4)</p>	<ul style="list-style-type: none"> • No objections were invited for this amendment. • Projects of Department of Atomic Energy were exempted from prohibition. • Facilities for receipt and storage of petroleum products and LNG as specified in Annexure III appended to the Notification and facilities for regasification of LNG were permitted provided certain guidelines were followed. • The delegation of powers to accord clearances to MoST were withdrawn. • Land reclamation etc was permitted for certain activities provided that reclamation for was not done for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

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<p>3rd October 2001 S.O 998(E) EPA 3(1), 3(2)(v), EP Rules 5(3)& (4)</p> <p>11th January 2002 Draft amendment S.O 51(E) EPA 3(1), 3(2)(v), 6 EP Rules 5(3)(a),</p>	<ul style="list-style-type: none"> • Mining of sands, rocks and other substrata materials was permitted for exploration and extraction of oil and natural gas • Construction activities related to projects of Department of Atomic Energy were treated as permissible activities requiring permission from the MoEF. • Operational constructions for ports, harbours and light houses and constructions for activities such as jetties, wharves, quays and slipways, pipelines, conveying systems including transmission lines were also added to permissible activities needing MoEF clearances. • Projects relating to Department of Atomic Energy and (b) Pipelines, conveying systems including transmission lines were permitted in CRZ-I (i) areas • In the CRZ-I area, exploration and extraction of natural gas was permitted. • The West Bengal CZMA was made responsible for according permission for construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Biosphere Reserve • The amendment permitted storage of petroleum products specified in the Annexure in any part of CRZ other than CRZ-I areas. Previously this was restricted only to port areas. • LNG was added to list of petroleum products on Annexure III • Environmental clearances accorded by MoST from 9th July 1997 till publication of this Notification are valid. All proposals for environmental clearance pending with MoST stand transferred to MoEF from date of publication of this Notification. • No objections were invited for this amendment • The rationale was that local people of A&N Islands faced difficulties, yet another amendment was issued. • Permission for sand mining was extended upto 30th September 2002. • The dates for annual plans were also extended by a year. • The rationale for this amendment is stated to be: <ul style="list-style-type: none"> - The inhabitants of areas falling within CRZ are facing difficulties and there is a need for infrastructural facilities in these areas. - The Central Government is stated to have had consultations with state governments and taken a decision to permit construction of dwelling units and development of infrastructural facilities for local inhabitants; housing schemes of Urban Development Authorities which had been approved prior to 19th February 1991, facilities and activities including setting up of non polluting industries in the field of information technology and other service industries in the Special Economic Zones, and salt harvesting by solar evaporation of sea water in the said zone. • It introduced a 90-day time limit for assessment of projects and 30 days for conveying a decision on the clearance status of projects proposed within the CRZ. • It introduced the same provisions (with slight modifications) for the Note of Para 1 (i) of the notification that the 5th August 1999 draft amendment introduced. This was

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<p>21st May 2002 S.O 550(E) EPA 3(1), 3(2)(v), EP Rules 5(3)</p> <p>19th October 2002 S.O 1100 (E) EPA 3(1), 3(2)(v), EP Rules 5(3)& (4)</p>	<p>despite these proposed provisions of 5th August 1999 draft amendment being excluded in the subsequent amendments dated 4th August 2000 and 12th April 2001, and 3rd October 2001.</p> <ul style="list-style-type: none"> • The draft amendment exempted “non polluting industries in the field of information technology and other service industries in the CRZ of Special Economic Zones” from prohibitions as Para 2 (i) (c). • It sought to exclude mining of certain minerals under Atomic Energy Act, 1962 from the prohibited activities clause, subject to EIA studies and an approved mining plan. • Housing schemes in CRZ area, mining of rare minerals and specified activities/facilities in SEZ were to be permissible activities requiring clearances from MoEF • Salt harvesting by solar evaporation of sea water was to be permitted in CRZ-I areas • In CRZ-II areas, exemption was made for housing schemes of State Urban Development Authorities • Further relaxations were sought for CRZ-III areas, based on similar changes proposed in 5th August 1999 draft amendment. All activities within SEZs were permitted. • This amendment substitutes the words ‘local inhabitants’ for traditional rights or customary uses. • The notification replicates all other provisions of the 5th August 1999 draft amendment as far as relaxations for constructions for ‘local inhabitants’ etc are concerned despite most of these being omitted in subsequent final amendments. • The amendment is the final notification for the draft 11th Jan 2002 amendment. • It redefined distance upto which CRZ is measured along the rivers, creeks etc, as upto the point where a minimum salinity level of 5 ppt is recorded. • All the provisions that were common to the 5th August 1999 draft and the 11th January 2002 draft were struck down by this final amendment. • It permitted “non-polluting industries in the field of information technology and other service industries in CRZ of Special Economic Zones (SEZ)” • It retained the time limit on assessment of project documents that was proposed in the 11th January 2002 draft. • Certain changes were made to activities permitted in CRZ I, II & III zones. • No objections were invited for this amendment. It was issued in ‘public interest’ using Rule 5(4) of the EP Rules • Rationale was ‘to harmonise & elaborate provisions of the Notification’ and to provide permission for setting up of certain projects that were presumably in public interest. • The following were permitted within the CRZ in areas (including CRZ II and III) not classified as CRZ-I: <ul style="list-style-type: none"> - Facilities for generating power by non-conventional energy sources and setting up of desalination plants and construction of airstrips in Islands of Lakshadweep and A&N with MoEF permission.

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<p>30th May 2003 S.O.635 (E) EPA 3(1), 3(2)(v)</p>	<ul style="list-style-type: none"> • All other activities involving an investment of less than five crore rupees were to be regulated by the State level authorities in keeping with provisions of the Notification in Annexure I; any project costing more than five crores required clearance from MoEF • No objections were invited for this amendment either. • Rationale was that local people A&N Islands were faced with difficulties • Permission for sand mining was extended upto 31st March 2004. • The dates for the annual plans were also extended by a year. • The quantity of sand to be mined was fixed at 44,102 cu.m only for construction purposes
<p>30th May 2003 S.O.636(E) EPA 3(1), 3(2)(v) EP Rules 5(3), 5(4)</p>	<ul style="list-style-type: none"> • No objections were invited for this amendment as this was in public interest • The amendment was introduced presumably taking into consideration requirement of construction of jetty and wharves for embarkation and disembarkation in Lakshadweep. • The amendment revised the Committee to permit sand mining in • Permission for sand mining was extended upto 30th September 2001. • The dates for the annual plans were also extended by a year.
<p>24th June 2003 S.O.725(E) EPA 3(1), 3(2)(v) EP Rules 5(3), 5(4)</p>	<ul style="list-style-type: none"> • The notification introduced another clause under norms for development for CRZ IV <i>for setting up of facilities for treatment of wastes and effluents arising from hotels, beach resorts & domestic sewage and disposal of treated wastes and effluents in areas other than CRZ-I</i> • This was to be based on a detailed scientific study to assess environmental impact of the same.
<p>24th July 2003 S.O.838 (E) EPA 3(2)(1), 3(2)(v) EP Rules 5(3), 5(4)</p>	<ul style="list-style-type: none"> • This amendment was issued using the public interest clause without inviting objections to the same. • The amendments were introduced by Central Government after it had considered specific requirements of projects relating to Department of Atomic Energy in terms of their location • <i>Another reason stated was that Central Government had considered proposals of the Ministry of Tourism and Culture, the A&N Administration and the Lakshadweep Administration for promotion of tourism development.</i> • <i>It reduced the NDZ area in CRZ-III to 50m in A&N Islands and Lakshadweep</i> • <i>This reduction was for the purpose of promotion of tourism, based on an integrated coastal zone management study conducted by MoEF by itself or through any agency authorized by it in this behalf</i> • It also introduced other building relaxations for the islands.
<p>25th Jan. 2005 SO.Nil (E)</p>	<ul style="list-style-type: none"> • The amendment states that in A&N Islands, mining of sand may be permitted for construction purpose on a case to case basis by a Committee constituted by the

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	<p>Lieutenant Governor of the Andaman and Nicobar Islands consisting of – (1) the Chief Secretary, Andaman & Nicobar Administration; (2) Secretary, Department of Environment; (3) Secretary, Department of Water Resources; and (4) Secretary, Andaman Public Works Department;</p> <ul style="list-style-type: none"> • That total quantity of sand to be mined shall not exceed 28,226 cu m for period ending on 31st December, 2005 and that sand mining shall be undertaken only in those areas identified as accreting areas by Institute for Ocean Management (IOM), Chennai and based on rate of replenishment or deposition of sand; • That permission as may be granted under this sub-paragraph for mining of sand shall be based on mining plans and shall stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, birds nesting sites and protected areas • A&N Administration to identify alternate construction materials within period of one year i.e., from 1st January, 2005 to 31st December, 2005; • a monitoring Committee shall be constituted for monitoring the mining activity and environmental safeguards taken, by A&N Administration. • The monitoring Committee shall comprise of representatives from Union Territory Administration, Regional Office of the Ministry of Environment and Forests, Bhubaneswar and a NGO based at Andaman and Nicobar. • The monitoring report shall be sent quarterly to Ministry of Environment and Forests

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Legend

1. A&N	Andaman & Nicobar Islands	14. LTL	Low Tide Line
2. CPCB	Central Pollution Control Board	15. m	metres
3. CRZ	Coastal Regulation Zone	16. MoEF	Ministry Of Environment And Forests
4. CZMA	Coastal Zone Management Authority	17. MoPNG	Ministry of Petroleum & Natural Gas
5. CZMP	Coastal Zone Management Plan	18. MoST	Ministry of Surface Transport
6. EIA	Environment Impact Assessment	19. NDZ	No Development Zone
7. EP Rules	Environment (Protection) Rules	20. NOC	No Objection Certificate
8. EPA	Environment (Protection) Act (1986)	21. SC	Supreme Court
9. GoI	Government of India	22. SCC	Supreme Court Cases
10. HC	High Court	23. SEZ	Special Economic Zone
11. HTL	High Tide Line	24. SPCB	State Pollution Control Board
12. ICZMP	Integrated Coastal Zone Management Plan	25. UoI	Union of India
13. LNG	Liquefied Natural Gas	26. WP	Writ Petition

Analysis of amendments made to the CRZ Notification:

1. Reduction in the No-Development Zone for promotion of tourism

- The first amendment to the Notification was made because of pressure from the tourism lobby.
- The amendment was vide notification no. **S.O. 595(E) dated 18th Aug 1994** on recommendations of the Vohra Committee, which was constituted on 1st Jan 1992 and report submitted on 31st Dec 1992. The issue dealt with was tourism. The reason for the constitution of the committee was that there was intense pressure from the hotel and tourism lobby on the GOI stating that the said notification was very stringent and their work was severely restricted by the CRZ.
- One of the recommendations of the Committee was reduction of distance of the NDZ in selected coastal stretches for promoting tourism. The Ministry amended the CRZ Notification, 1991 on 18th Aug 1994, reducing No Development Zone (NDZ) area all along the coast from 200m to 50m. The amendment also permitted construction in NDZ thus giving expansive powers to the central government to permit such constructions on the landward side within 200m from the HTL according to its discretion.
- Although the SC quashed the amendments later, the tendency of MoEF to dilute its own laws raises concerns about where its loyalties lie – a facilitator of impact inducing developments rather than that of a regulator.
- The tourism chapter of the State Development Report of Andaman & Nicobar Islands (draft) voices the same attitude: “While most of the acts in force are designed to protect the ecology and environment, *the CRZ guidelines are generally perceived to be inhibiting*. In case of CRZ I, no new construction is permitted up to 500m from the HTL while this is reduced to 200m in case of CRZ III. CRZ II and IV also restrict development up to 200 m from the HTL. However, it is reported that internationally CRZ norms of 50 and 70 m are commonly used and combined with stringent limits on land area covered, number of buildings, etc. There is thus a suggestion to look at the CRZ regulations on a case-to-case basis”.
- The NDZ reduction was eventually reduced to 50m in the case of A&N Islands and Lakshadweep for tourism development through amendment of amendment, **S.O.838 (E)**, 24th July 2003 against the directives of SC in 2002, which were based on Shekhar Singh Committee report. The relaxation was based on identification of areas in NDZ by the Integrated Coastal Zone Management Plan study conducted by the Ministry of Environment and Forests.
- First, the CZMPs of states are not prepared, including that for Andaman & Nicobar Islands; then an ICZMP is commissioned specifically for the purpose of relaxing CRZ norms for tourism development. To date, both the CZMP and ICZMP have not been finalized or approved. But the objective of reducing the NDZ to 50m has been successfully achieved for tourism development purposes!
- Tourism has succeeded in achieving its objective of reducing the NDZ from 200m to 50m in the A&N Islands. This has been possible by with active connivance of the MoEF. What the MoEF could not get through in Aug 1984, it achieved in July 2003. The was done in the guise of the ICZMP. The Department of Environment & Forests, A&N Islands Administration has included 40 islands to be opened up for ‘ecotourism’ in the Andamans. For the vulnerable and ecologically sensitive islands, this could as well mean doom.

2. Categorisation of CRZ II areas:

- The question regarding the classification of the islands demands a detailing of events in the past. Of particular relevance are the observations made by the Divisional Bench of the Calcutta High Court in an order dated 29.09.2003.
- Section 6(2) of the CRZ notification provides norms and regulations for the Andaman and Nicobar Islands, which it classed as CRZ IV. However, it does have a provision in point (vi) for the classification of the certain areas as CRZ I, II and III with approval from the MoEF.
- No documents were available to prove that reclassification of CRZ IV areas of parts of the ANI (such as Port Blair) into CRZ II areas were made with approval from the MoEF. Despite this,

Byelaw No. 15 of the Port Blair Municipal Council Building Byelaws, 1999 classifies coastal areas of Port Blair as CRZ II areas.

- In their letter dated 27th September 1996, the MoEF accorded only **conditional clearance** to the CZMP for the Islands submitted to the MoEF by the ANI Administration.
- No documents were produced before the court to show that the conditions laid out by the MoEF were actually met. This would mean that the present document is not a fully approved document as no revisions were made to it based on any of the stipulations contained in the ministry's letter.
- One of the conditions laid out in the letter was that, for CRZ IV areas to be classified as CRZ II areas, a Committee had to be formed which would decide on this matter.
- No document was provided to the court to prove that such a Committee was ever formed before the CRZ IV areas of Port Blair in particular, were reclassified as CRZ II.
- The court therefore concluded that decision of the Administration and the Municipal Council to reclassify CRZ IV areas into CRZ II areas in areas such as Port Blair was "**wholly unauthorised and ultra vires the CRZ notification**".

3. *No firm check on sand mining*

- Amendment no **S.O.73(E) dated 31st January 1997** mining was permitted upto 31st March 1998 and **not beyond. This means a prohibition exists on the extension of the deadline**
- After this there have been **10 extensions** made to allow sand mining in A&N Islands to date
- The SC ordered in May 2002 that extraction of sand shall be phased out at a minimum 20% per year on reducing balance basis to bring the sand mining to the level of 33% of the present level of mining within a maximum period of 5 years. The sand mining is to be brought down to 24,633 cubic metres by May 2007 as per the order.
- As per amendment **S.O. 635 (E), 30th May 2003**, sand mining was permitted up to 44,102

cu. m for construction purposes on a case by case basis for the period 1st April, 2003 to 31st March, 2004 from sites selected, inter alia, based on the rate of replenishment or deposition of sand.

- This amendment took place after the submission of Shekhar Singh Committee report to the Supreme Court which stated "The extraction of sand should be phased out and no further extension should be granted after the current extension is over on 30 September, 2002".
- As per guidelines given in the CZMP of A&N Islands, minimum quantity of sand will be collected from identified eco safe pockets on a rotational basis; sands collected from coastal areas will be used after keeping the same in the open place for at least one full rainy season so that salt if any may be leached out; sand will not be collected from areas near mangrove patches, sand would generally not be collected during the monsoon to minimise disturbance to the coastal zone and landscape; coral sand will not be collected; stone dust from stone crushers and quarries will be utilised to reduce the use of sea sand; use of clay bricks will be encouraged, this would reduce the use of hollow blocks which need considerable quantity of sand; sand will not be collected from sanctuaries, national parks or other ecologically sensitive areas close to the breeding and spawning grounds of fish and other marine life.
- But, the methodology for sand extraction has not been specified beyond what currently exists. There is no information on the parameters, or permissible limits, or monitoring and assessing the final impacts of such an activity. If sand mining is to take place in the islands, considering its sensitivity, it does require further planning for proper implementation and enforcement of restrictions. Currently there is little enforcement and this has resulted in a severe impact on the ecology of these islands.
- As this briefing paper goes to press, The Hindu has reported on 12 March 2006 that the CRZ is to be replaced by a Coastal Zone Management Plan. Our question to the Ministry of Environment & Forests is: how can a management plan replace a regulatory legal instrument? The time has come to revive the campaign to protect our coasts.

NOTES

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EQUATIONS was founded in 1985 in response to an urge to understand the impacts of tourism development particularly in the context of liberalised regimes, economic reforms and the opening up of the economy. We envision tourism that is non-exploitative, gender just & sustainable where decision making is democratised and access to and benefits of tourism are equitably distributed.



EQUATIONS

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